



Town of Weare Conservation Commission

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Conservation Commission

Andy Fulton, Chairman
Patricia Myers, Secretary
Stephen Najjar
George Malette
Michael Dahlberg

CONSERVATION COMMISSION MINUTES

DECEMBER 14, 2009

****DRAFT COPY****

PRESENT: Andy Fulton, Chairman; Patricia Myers, Secretary; Mike Dahlberg; George Malette, Steve Najjar

GUESTS: Stephen and Heidi Pope, Eric Masterson of the PLC, Ian McSweeney of the Russell Foundation & Open Space Committee member.

I. CALL TO ORDER:

This meeting had been rescheduled to a Monday night due to bad weather the previous Wednesday. We met in Conservation Room on the second floor. Chairman Andy Fulton called the meeting to order at 7:11 PM.

II. Guest's Issues:

Ian McSweeney - had a second meeting to attend and so Andy asked him to present his business first. The information that Ian wished to discuss was of a sensitive nature and the Commission members decided going to a non-public session was appropriate. **At 7:?? Pm** Steve made the motion to enter non-public session in accordance with NH RSA 91-A:3 III. George seconded the motion. Chairman Fulton called for a roll call vote on the motion. Voting in favor were: George, Steve, Mike, Pat, Andy. There were no nays and no abstentions. The other guests were asked to leave the room.

At **7:?? pm** George made the motion to exit non-public session. Mike seconded the motion. A roll call vote was taken with Steve, George, Mike, Pat and Andy voting in favor. There were no nays, and no abstentions.

Once the non-public discussion was completed the guests were asked to return to resume the public portion of the meeting. At this time George made the motion to seal and restrict the minutes of the non-public session pursuant to NH RSA 91-A:3 III. Steve seconded the motion. All voted in favor of the motion.

Ian continued with the remaining information he wished to present. He had drafted several conservation articles for possible inclusion on the 2010 town warrant:

#1 Shall the town place into conservation 2 abutting town owned parcels that are surrounded by other town-owned conservation land in the Ferrin Pond Conservation Area, to be managed by the Weare Conservation Commission for open space and natural resource values? Said parcels containing 17 +/- acres combined are map 410 lots 5 and 246. The intention was to change the designation from town forest to conservation land to match the surrounding parcels. After discussion members agreed this step was not necessary and decided to delete it.

#2 Shall the town place into conservation 1 town-owned parcel that abuts existing town-owned conservation land and a proposed conservation land purchase, to be managed by the Weare Conservation Commission for open space and natural resource values? Said parcel containing 4 +/- acres is map 410 lot 186 Members agreed this was a good idea but research needs to be done on whether the State cleaned up the portion of the wetlands that had been illegally filled with polluted material. The State had seized the property on Gettings Road (AKA Frenchy's) years ago and has apparently returned it to the town recently. Ian volunteered to check into it.

#3 Shall the town place into conservation 2 town-owned parcels that are in close proximity to other conservation land and which are currently classified in town records as backland or undevelopable to be managed by the Weare Conservation Commission for open space and natural resource values? Said parcels containing 25+/- acres are Map 407 lots 1 and 190. These are in the vicinity of the Perkins Pond WMA Members agreed to this article except to delete mention of lot 190 because it does not show on the tax map. Some research is needed on the parcel.

Heidi and Stephen Pope - The Melvin Farm project – The Popes and Eric Masterson reviewed the status of the project and addressed concerns expressed by CC members as follows. To date, Map 409 lot ____ has been subdivided into 3 parcels. The ZBA approved a 2.5 acre lot with frontage on Bart Clough Road containing the old farm house. Surrounding the house lot on 3 sides and with frontage on Bart Clough Rd, the fields form a separate 19.39 acre lot. The remaining land with frontage on Bart Clough, Barnard Hill and Mary Hadley Roads is woodland and wetlands has not been subdivided but there are plans. The Popes will build their home on 21 acres behind the fields. There is a conceptual plan for 4 cluster lots on approximately 12.5 acres with frontage on Bart Clough and Barnard Hill Roads. The wetlands area (approx 23 acres) may qualify for a Federal Wetlands Reserve grant. There are 27 more acres of forested backland.

Thus far the Popes efforts have focused on protecting the prime farm soils. The fields have qualified for a Farm and Ranchland Protection Program grant, which require a 50 / 50 match with local money:

19.39 acre field lot		appraised value	\$196,000	
FRPP grant		50%	\$100,000	raised
Local Match	50%	Mildred Hall Trust	\$ 50,000	pledged
		Popes	\$ 50,000	raised
		grant + match	\$200,000	complete
PLC stewardship fee and transaction costs		\$ 20,000		needed

The Popes and the PLC asked the WCC to consider supporting the project in 2 ways:

- 1 - providing up to \$20,000 for the stewardship and costs.
- 2 - support before the BOS which must approve the Mildred Hall contribution.

Members of the WCC expressed concern about the uncertain fate of the rest of the land. Protecting the fields would be an expensive effort for a relatively few, potentially isolated, acres protected if the remaining acres were to be developed by a future landowner. Steve Najjar also voiced concern that public access was not guaranteed.

The commission decided to schedule a site walk at the property on Saturday, January 9, 2010 at 8 AM.

III. Minutes

October 14, 2009 – After a period of review, George made a motion to accept the minutes as written. Steve seconded the motion. Steve, George, and Andy voted in favor. Mike and Pat abstained.

November 18, 2009 – corrections:

Page 1, Item I, change the time to 7:08 PM.

Item II, 1st line - Chris Danforth of CK Danforth & Associates, LLC.
Page 3, Item III, Audra Klumb of A&D Klumb Environmental, LLC.
Page 4, Item III, spell the name *Boisvert*.
Page 4, Item IV, Town Forest..., spell the name *Sanborn*.

Pat made a motion to accept the minutes of November 18, 2009 as amended. Mike seconded the motion. All members voted in favor.

IV. Wetlands / DES issues: Andy briefly reviewed the DES / wetlands agenda items. All were noted without comment to the Planning Board.

- DES file # _____, 9-15-09, Dale Gordon, tax map 202 / lot 44-1, a wetlands dredge and fill application for single family driveway. Chris Danforth of CK Danforth & Associates had presented this application to the Commission in November. An executed Permit by Notification has been received from DES.
- DES file #2008-02537, Abijah Bridge Road, Map 107 / lot 24. A Request for Information dated 11-19-09, was issued by DES to Craig Francisco.
- Alteration of Terrain permit #AoT-0060 dated 11-24-09 was issued to Bob Baskerville of Bedford Designs for the Brookshire subdivision. Map 412 / Lots 197 & 147.
- Des file # 2009-02756, Mark Lanier Standard Dredge and Fill application for Rte 77 Map 403/Lot 159. A Notice of Administrative Completeness was issued by DES on 11-25-09.
- DES file # 2009-01122, John (Jack) Moody, Map 411 / Lot 290. Wetlands Dredge & Fill application for a cell tower was approved by DES.
- DES file #2009-01996 (9-19-2009), Shoreland restoration, Charles McLemam, Map106 / Lot 20 on Branch Road. DES is requiring additional planting to complete the restoration.

V. Other:

- ◆ **Town Forest warrant articles** - Steve presented the following draft warrant articles:
 - 1) Shall the town expend \$7,000 from the Town Forest account to have a management plan prepared by the town's licensed forester.

2) Shall the town expend \$3000 from the town forest account for town forest maintenance.

Steve made the motion to recommend these articles to the Board of Selectmen for inclusion in the 2010 town warrant. Pat seconded. All voted in favor. The budget hearing is scheduled for January 18, 2010.

- ◆ **November CC budget report** – see the Summary Budget Report #17296 dated 12-7-09. Only \$139.04 has been expended from the CC accounts as of 11-30-09 leaving a balance of \$1217.96. Some expenses would be coming out of that balance soon however. The new GPS unit had been purchased for \$399.99 since the budget report, and Andy stated the need to expend funds to have the laptop checked over and the software updated.
- ◆ **The CC's Unrestricted Grants Account** – The account balance is \$940.31 as a 6 month CD which matures on 12-29-09. The commission can make 1 withdrawal from the account during the 6 months without penalty.

♦ **Conservation Fund update –**

- ♦ **NRI** – Andy will speak to Chris Kane and Pete Ingraham to see what remains to be invoiced and when to expect the final report.
- ♦ **Moody – East Street wetlands buffer disturbance** – The conditions for restoration set out by Code Enforcement Officer Chip Meany were challenged by Mr. Moody before the ZBA on 12-8-09. The Zoning Board upheld the buffer area restoration plan (to plant native white pine of a certain size and in a certain density) by a 3 –2 vote after much discussion.
- ♦ **Wood Family Forest conservation property** – Steve Najjar had reported several concerning issues occurring on the conservation land. The gate at the entrance leading from the Bolton Recreational Fields has been broken by vandals. He also happened on the property when members of the Weare Winter Wanderers Snowmobile Club were doing trail maintenance. Steve reported they had brought a vehicle and gravel to fill holes and ruts in the trail before the snowmobile season begins. Steve pointed out that they have a deeded R.O.W. for the trail but don't have permission to bring vehicles through the town forest and that the Conservation Commission should be notified when such trail work is to be done. Andy said he would draft a letter to the WWW stating the limits of the deeded right of way and asking to be contacted when work is going to be done. During this discussion Mike Dahlberg stated that Chris Bolton also has a deeded ROW through the Wood property. Pat stated that she did not recall any other legal ROWs on the property.
- ♦ **The Planning Board has invited attorney Bill Drescher** – to the January 11 work session to discuss Deed Restrictions vs CEs – pros and cons. The CC is welcome and encouraged to participate in the discussion.
- ♦ **Eastman Conservation Area – report of vehicle activity** – Pat reported she had received a call from Graham Pendlebury, PLCs land monitoring coordinator. Graham was passing on a concern from the Eastman land monitor that trucks were entering the property off of Rte 77. The monitor offered to post something like "No wheeled vehicles" signs. Andy said he would give Graham a call. Pat will provide Andy with the phone number.
- ♦ **ADJOURNMENT:** There being no further business before the commission George made the motion to adjourn. Pat seconded his motion. All voted yes. Andy adjourned the meeting at 10:50 pm.

Respectfully submitted,

Pat Myers, Weare Conservation Commission Secretary

Cc: Town Clerk's Office,
BOS Office – Merry Rice
WCC Office files